

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

GARY PADGETT, #235251)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 2:05-CV-608-A
)	
GWENDOLYN MOSLEY et. al.)	
)	
Defendants)	

ANSWER

Come now the Defendants, Commissioner Donal Campbell, Warden Gwendolyn Mosley, Correctional Officers Willie Bryant, Brian Gavins, and Alvin Jernigan, by and through the Office of the Attorney General – State of Alabama, and in accordance with this Honorable Court’s Order dated August 8, 2005, hereby submit the following Answer:

STATEMENT OF FACTS

1. The Defendants admit that on July 16, 2004, inmate Padgett arrived at Easterling Correctional Facility. Since that time, inmate Padgett has not made any written or verbal requests to use the library. The Easterling library has an officer assigned to supervise the library and its functions. It is located in the gym and the entrance to the facility is not currently equipped with a ramp. However, there are plans to build a ramp for the law library. The library is open on Tuesday-Friday from 12:00 p.m. to 7:30 p.m. and on Saturday from 8:00 a.m. to 4:00 p.m.

2. The Defendants further admit that inmates are able to use the library when their assigned dormitory has yard and gym call. Inmates can request additional time to use the library by submitting a written request to the law library officer.
3. The Defendants admits that the library is equipped with two emergency exits which are marked according to fire codes. There are also tables available for inmates to use who are wheelchair dependent. Other wheelchair-bound inmates have used the law library with no complaints. Inmate Padgett was assigned to the Restricted Dorm at Easterling since July 13, 2005. The law library officer visits the Restricted Dorm to collect written requests for legal materials from the inmates placed in this area. Inmate Padgett has not filled out or requested any material from the library.
4. The Defendants admit that in July 2004, prison officials suspected that inmate Padgett had brought tobacco products from the visitation yard. They escorted inmate Padgett to the Segregation Unit where he was handcuffed and leg chained according to Easterling's Standard Operating Procedure C-50, (Inmates Suspected of Promoting Prison Contraband). According to those guidelines, inmate Padgett was observed by prison officials until he told them he needed to defecate in the designated bucket. After prison officials had determined that inmate Padgett did not have tobacco and no other contraband was found, he was released back to his assigned dormitory. Inmate Padgett was not charged with any rule violation.
5. The Defendants deny any and all remaining allegations of the Plaintiff's complaint and demand strict proof thereof.

AFFIRMATIVE DEFENSES

1. The Defendants deny that they violated the Plaintiff's constitutional right of access to the law library and the American with Disabilities Act during his incarceration at Easterling Correctional Facility.
2. The Defendants deny that they violated the Plaintiff's constitutional rights under the Fourth, Sixth, Eighth and Fourteenth Amendments during his incarceration at Easterling Correctional Facility.
3. The Defendants deny that they harassed the Plaintiff and deprived him of any of his constitutional rights.
4. The Defendants assert that the Plaintiff has failed to articulate any claims in order to entitle him to any relief.
5. The Defendants assert the defenses of sovereign and qualified immunity in regards to the Plaintiff's suit for monetary damages.
6. The Defendants assert that the Plaintiff is not entitled to any compensatory or punitive damages.
7. The Defendants assert that the Plaintiff is not entitled to costs or any other type of relief.
8. The Defendants reserve the right to add by amendment any and all defenses that may be applicable but which are unidentifiable at this time.

Respectfully submitted,
TROY KING (KIN 047)
ATTORNEY GENERAL
BY:

s/LaVette Lyas-Brown
LAVETTE LYAS-BROWN (LYA 001)
ASSISTANT ATTORNEY GENERAL
COUNSEL FOR THE DEFENDANTS

ADDRESS OF COUNSEL:
Office of the Attorney General
11 South Union Street
Montgomery AL 36130
334-242-7443
334-242-2433 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of September , 2005, that I have electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, and that I served a true and correct copy of the foregoing has been forwarded by U.S. First Class Mail, postage prepaid and properly addressed to:

Gary Padgett #235231
Easterling Correctional Facility
200 Wallace Dr.
Clio, AL 36017-2615

s/LaVette Lyas-Brown
LAVETTE LYAS-BROWN
ASSISTANT ATTORNEY GENERAL